IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 20 OF 2005

JOSE CAMILO AND 3 ORS., ...Appellants

Versus

SANTAN CRASTO AND 3 ORS., ...Respondents

Shri S.S. Kantak with Ms.G.D.S.Bhonsule,Advocates for the Appellants.

Coram:- R. M. LODHA, J.

Date:- 28th September, 2005

P.C.:

Heard Shri S.S. Kantak, the learned counsel for the appellants and perused the Judgment of the trial Court as well as the appeal Court.

There is concurrent finding by the two courts below that the plaintiffs proved that more than 21 years back the plaintiff No.2 erected the suit 'gado' near the fish market at Thana, Cortalim on a narrow strip of land. The two courts below in the light of the finding as aforenoted, found that the plaintiffs have been able to make out a case for grant of decree of temporary injunction. It is true that the appeal court has not accepted the finding of the trial Court that the suit property lies in the property of Comunidade of Cortalim. However, in view of the specific finding that the suit 'gada' was erected more than 21 years before the filing of the suit, the decree granted by the trial Court and confirmed in appeal by the appeal Court, cannot be said to suffer from any error of law. No substantial question of law arises.

Second Appeal is dismissed in limine.

R. M. LODHA, J.

sl.